

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and the estate of Bernard L.  
Madoff,

Plaintiff,

v.

FAIRFIELD PAGMA ASSOCIATES, LP, a  
New York limited partnership, SEYMOUR  
KLEINMAN, ESTATE OF MARJORIE  
KLEINMAN aka MARJORIE ELENE  
KLEINMAN, BONNIE JOYCE KLEINMAN,  
as executor, FAIRFOX, LLC, a New York  
limited liability company, and SEYFAIR, LLC,  
a New York limited liability company,

Defendants.

Adv. Pro. No. 10-05169 (CGM)

**APPELLEE'S DESIGNATION OF ITEMS TO BE INCLUDED IN THE  
RECORD ON APPEAL AND STATEMENT OF ISSUES TO BE PRESENTED**

Under Rule 8009 of the Federal Rules of Bankruptcy Procedure, Appellee Irving H.

Picard ("Trustee"), Trustee for the substantively consolidated liquidation of Bernard L. Madoff

Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the chapter 7 estate of Bernard L. Madoff, hereby submits the following designation of additional items to be included in the record on appeal in connection with the notice of appeal filed on May 4, 2022 (*Picard v. Fairfield Pagma Associates, LP*, Adv. Pro. No. 10-05169 (CGM), ECF No. 145) from the (i) Memorandum Decision Granting Summary Judgment in Favor of Trustee, Determining Funds Held in the Bank Accounts are Customer Property, and Awarding Prejudgment Interest entered on April 13, 2022 (*Id.*, ECF No. 137); and (ii) the Judgment entered on April 25, 2022 (*Id.*, ECF No. 144), by the United States Bankruptcy Court for the Southern District of New York (Hon. Cecelia G. Morris, U.S. Bankruptcy Judge), and respectfully submits as follows:

**I. DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

The Trustee hereby designates the following additional items to be included in the record on appeal:

Filing Date	Case / ECF No.	Docket Text
12/3/2010	10-05169 / ECF No. 2	Letter /Notice of Applicability of the Order Approving Litigation Case Management Procedures for Avoidance Actions filed by Richard J. Bernard on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Bernard, Richard)(Entered: 12/03/2010)

Filing Date	Case / ECF No.	Docket Text
3/9/2011	10-05169 / ECF No. 4	Summons and Notice of Pre-Trial Conference against Fairfield Pagma Associates, LP, a New York limited partnership Answer Due: 5/9/2011; Fairfox, LLC, a New York limited liability company Answer Due:5/9/2011; Marjorie Kleinman Answer Due: 5/9/2011; Seymour Kleinman Answer Due: 5/9/2011; Seyfair, LLC, a New York limited liability company Answer Due: 5/9/2011. Pre-Trial date to be determined by Court Order. (Cales, Humberto) (Entered: 03/09/2011)
3/10/2011	10-05169 / ECF No. 5	Affidavit of Service (related document(s) 4, 1, 2) filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Hirschfield, Marc)(Entered: 03/10/2011)
5/12/2011	10-05169 / ECF No. 9	Statement / Notice of Extended Response Due Date filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Hirschfield, Marc)(Entered: 05/12/2011)
12/6/2011	11-cv-8898-JSR / ECF No. 1	Motion To Withdraw the Bankruptcy Reference. Bankruptcy Court Case Numbers: 10-5169A, 08-1789 (BRL). Document filed by Fairfox, LLC, Seymour Kleinman, Seyfair, LLC, Marjorie Kleinman, Fairfield Pagma Associates, LP. (Attachments: # 1 Exhibit A)(bkar) (Entered: 12/06/2011)
02/20/2014	10-05169 / ECF No. 32	Letter /Trustee's letter to memorialize and provide parties with notice of the Court's rulings made during the hearing held on February 14, 2014 (related document(s) 29) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Attachments: # 1 Appendix A)(Sheehan, David) (Entered: 02/20/2014)
04/08/2014	10-05169 / ECF No. 41	Statement - Notice of Amended Appendices to Trustee's Memorandum of Law in Opposition to Defendants' Motions to Dismiss (related document(s)36) filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Murphy, Keith) (Entered: 04/08/2014)
06/15/2015	10-05169 / ECF No. 45	Notice of Settlement of an Order Regarding June 2, 2015 Decision re: Omnibus Motions to Dismiss (related document(s) 44) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff. (Sheehan, David) (Entered: 06/15/2015)

Filing Date	Case / ECF No.	Docket Text
9/30/2021	10-05169 / ECF No. 92	Transcript regarding Hearing Held on 09/15/2021 At 10:25 AM RE: Notice Of Hearing For Failure To Submit Order. Remote electronic access to the transcript is restricted until 12/29/2021. The transcript maybe viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.) (RE: related document(s) 91). Notice of Intent to Request Redaction Deadline Due By 10/7/2021. Statement of Redaction Request Due By 10/21/2021. Redacted Transcript Submission Due By 11/1/2021. Transcript access will be restricted through 12/29/2021. (Ramos, Jonathan) (Entered:09/30/2021)
12/2/2021	10-05169 / ECF No. 102	Stipulation and Order Modifying Briefing Schedule signed on 12/1/2021. (DuBois, Linda) (Entered: 12/02/2021)
12/22/2021	10-05169 / ECF No. 104	Counterstatement of Undisputed Fact (related document(s) 94) filed by Barry R. Lax on behalf of Estate of Marjorie Kleinman. (Lax, Barry)(Entered: 12/22/2021)

Dated: June 1, 2022  
New York, New York

Respectfully submitted,

/s/ David J. Sheehan  
**Baker & Hostetler LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Tel: (212) 589-4200  
Fax: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Chapter 7 Estate of  
Bernard L. Madoff*